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Client: 19624-00020

October 9, 2013

VIA E-MAIL

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Steven R. Donziger  
Donziger & Associates  
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Re: *Chevron Corp. v. Steven Donziger, et al.*, No. 11-CV-0691 (LAK) (S.D.N.Y.)

Dear Counsel:

I write on behalf of Plaintiff Chevron Corporation (“Chevron”) regarding the parties’ witness lists for trial. At today’s court conference, Judge Kaplan directed the parties to notify the other side of which potential witnesses on their witness lists are not going to be called.

Chevron hereby notifies the Defendants that it does not intend to call the following witnesses in its direct case:

Patricio Campuzano  
Michael Carney  
Enrique Carvajal  
Daniel Cooperman  
Chuck Herrick  
Edward Leamer  
Angel Oquendo  
Alberto Racines  
Jennifer Peers  
Representative of Rodrigo Perez Pallares  
David Samson  
Anil Shivdasani  
David Stowell  
Adam Torres  
Vincent Uhl  
Santiago Efrain Velazquez Coello  
Jorge Wright-Ycaza

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We reserve the right to call one or more of these witnesses in the event the Defendants seek to call any of them (with the exception of Mr. Donziger) live in the Defendants' case-in-chief or if developments in the trial otherwise require their testimony, and we intend to continue to strive to further reduce the number of witnesses we intend to call as trial proceeds.

In the Defendants' Proposed Pretrial Order filed on August 31, 2013, Defendants noticed a total of 63 fact witnesses, and by motion dated September 13, 2013, the Donziger Defendants expanded that list to 91 fact witnesses. Given Mr. Donziger's representation in court today that the defendants' case would likely last one week, Defendants clearly do not intend to call 91—or even 63—fact witnesses. Please advise us immediately of the fact witnesses that you actually intend to call, or those you no longer intend to call, at trial.

In accordance with Judge Kaplan's orders and individual practices, we will be sending you under separate cover the witness declarations for the witnesses that we anticipate calling during the first week of trial, time permitting. The order in which we expect to call these witnesses is roughly the following:

Reis Veiga, Ricardo  
Bogart, Christopher  
Russell, David  
McMillen, Sara  
Arsuaga, Cristina (authentication/summary witness)\*  
McGowan, Michael (authentication witness)\*  
Garfinkel, Steven  
Leonard, Robert  
Juola, Patrick  
Hernandez, Samuel  
Ebert, Jim  
Lynch, Spencer  
Rayner, Keith  
Callejas, Adolfo  
Kim, Yerim (authentication/summary witness)\*  
Moore, Nancy  
Meacham, Gregory  
Elena, Sandra  
Guerra Bastidas, Alberto

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We anticipate that witnesses with asterisks may be called out of order to fill in the remainder of a court day. While this is our current best approximation of witness order, we may have to adjust the order of certain witnesses to accommodate availability. For example, Mr. Rayner will be called on Friday, October 18, even if out of order. Additionally, Mr. Callejas will be called no earlier than Friday, October 18. We will advise you as far in advance as feasible of those adjustments.

As mentioned in court, we would like to have a stipulation with defendants' counsel that all written direct declarations are the witnesses' sworn direct testimony; therefore, there is no need for the offering party's counsel to question each witness to establish that at the outset of the testimony, and absent any other direct examination, the witness can be passed immediately for cross examination. Also, we would like to have a stipulation that the parties' counsel agree to notify each other by 5pm each Friday whether they intend to cross examine witnesses whose written direct declarations have been provided the previous Wednesday. Please advise whether you agree to these stipulations, and if so, please let us know by 5pm on Friday if there are any witnesses on this list that you do not intend to cross-examine.

Sincerely,

/s/ Avi Weitzman  
Avi Weitzman